

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

TURKIYE HALK BANKASI, A.S.,
a/k/a "Halkbank,"

Defendant.

PROTECTIVE ORDER

S6 15 Cr. 867 (RMB)

MEMO ENDORSED
p4

RICHARD M. BERMAN, District Judge:

WHEREAS, TURKIYE HALK BANKASI, A.S., a/k/a "Halkbank," the defendant ("Halkbank"), has certain rights under the United States Constitution, federal statutes, and the Federal Rules of Criminal Procedure, to pre-trial discovery ("Discovery");

WHEREAS, the Government recognizes its obligation to provide such discovery materials to the defendant, consistent with safety considerations and the confidentiality of ongoing investigations;

WHEREAS, the discovery materials that the Government intends to provide to the defendant contains certain personal and confidential information of third parties;

WHEREAS, the discovery materials that the Government intends to provide to the defendant contain certain materials that, if disseminated to third parties, could, among other things, implicate the safety of others and impede ongoing investigations;

WHEREAS, in the interest of expediting the discovery process, the defendant, by its attorneys, Williams & Connolly LLP, consents to the entry of this Order;

IT IS HEREBY ORDERED that, pursuant to Federal Rule of Criminal Procedure 16(d) and subject to the additional limitations set forth below, the Discovery provided by the

Government to defense counsel, Williams & Connolly, LLP, shall not be further disseminated by the defendant or its counsel to any individuals, organizations or other entities, other than co-counsel, Turkish counsel, paralegals, investigators, translators, litigation support personnel, secretarial staff, and the defendant, who are assisting in the defense of this matter (the "Defense Team");

IT IS FURTHER ORDERED that nothing in this Order shall preclude defense counsel from showing copies of the Discovery to any potential fact or expert witness for the purpose of preparing a defense.

IT IS FURTHER ORDERED that defense counsel may seek authorization of the Court to provide certain specified Discovery materials to persons whose access to Discovery materials is otherwise prohibited by the preceding paragraphs, if it is determined by the Court that such access is necessary for the purpose of preparing the defense of the case; defense counsel may move *ex parte* or under seal for such authorization for good cause shown;

IT IS FURTHER ORDERED that each of the individuals to whom disclosure of the Discovery materials is made (including officers, directors, employees of the defendant, and witnesses) shall be provided a copy of this Protective Order by defense counsel; shall be advised by defense counsel of the terms and conditions and legal ramifications of this Protective Order and that he or she shall not further disseminate or discuss the materials and must follow the terms of this Protective Order, and that the Court can enforce the Protective Order against the person to whom Discovery materials are disclosed; and shall demonstrate their acknowledgement by signing a copy of the Protective Order, which signed copy shall be maintained by defense counsel and provided to the Court *ex parte* and under seal and maintained under seal;

IT IS FURTHER ORDERED that, upon completion of this matter by guilty plea, trial verdict, or dismissal of all counts, the government may obtain copies of the executed Protective Order Acknowledgments from the court *ex parte* and under seal, or may seek copies earlier (*ex parte* and under seal) upon good cause shown;

IT IS FURTHER ORDERED that all Discovery materials are to be provided to the defendant, and used by the Defense Team, solely for the purpose of allowing the defendant to prepare its defense to the charges in the indictment, and that none of the Discovery materials produced by the Government to the defendant shall be used in any manner nor disseminated to any other third party in a manner that is inconsistent with the preceding paragraphs;

IT IS FURTHER ORDERED that, at the conclusion of this case, defense counsel shall return to the Government all copies of the Discovery materials provided in this case;

IT IS FURTHER ORDERED that nothing in this Order prohibits the media from requesting copies of any items that are received by the Court as public exhibits at a hearing, trial, or other proceeding; and

IT IS FURTHER ORDERED that nothing in this Order shall preclude the Government from seeking a further protective order pursuant to Rule 16(d) as to particular items of Discovery material.

The Court retains discretion whether to afford confidential treatment to any confidential document or information contained in any confidential document submitted to the Court in connection with any motion, application, or proceeding that may result in an order and/or decision by the Court.

AGREED AND CONSENTED TO:

Robert M Cary
Rob Cary, Esq.
Williams & Connolly LLP
Attorneys for the defendant

July 1, 2020
Date

AUDREY STRAUSS
Acting United States Attorney

By: [Signature]
Michael D. Lockard/Sidhardha Kamaraju/
David W. Denton, Jr./Jonathan E. Rebold/
Kiersten A. Fletcher,
Assistant United States Attorneys

August 10, 2020
Date

SO ORDERED:

RM B
HON. RICHARD M. BERMAN
UNITED STATES DISTRICT JUDGE

8/31/20
Date

On Consent (defense
objects to providing
names of defense team)